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KENNETH C. BALDWIN

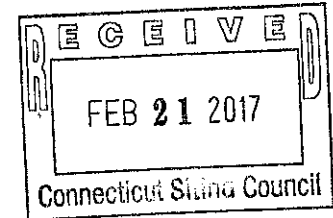
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February 16, 2017

*Via Electronic and U.S. Mail*

Melanie A. Bachman, Esq.  
Executive Director/Staff Attorney  
Connecticut Siting Council  
10 Franklin Square  
New Britain, CT 06051



Re: **Petition No. 1178 – Fusion Solar Center, LLC,  
Petition for Declaratory Ruling that no Certificate of Environmental Compatibility  
and Public Need is Required for the Proposed Construction, Operation and  
Maintenance of a Ground-Mounted 20 MW Solar Photovoltaic Electric Generating  
Facility Located on Potash Hill Road, Sprague, Connecticut**

Dear Ms. Bachman:

This firm represents DEPCOM Power, Inc. (“DEPCOM”). DEPCOM has been retained to develop the Fusion Solar Center electric generating facility in Sprague, Connecticut, now owned by DESRI CT Fusion Acquisition, LLC (“DESRI”). The Siting Council was notified of a change in control for the project from Fusion Solar Center LLC and Coronal Development Services LLC to DESRI on January 9, 2017.

As you know, I worked closely with the prior owners of the Fusion Solar Center project and I am very familiar with the Petition No. 1178 filing, the Council’s approval of the Petition and the Council’s approval of the Development and Management (“D&M”) Plan. I have also reviewed your January 25, 2017 letter to Scott Williams and Katie Bush regarding concerns that have been raised by Mr. Timothy Bates and your February 8, 2017 letter regarding the Council’s jurisdiction and my clients efforts to reach out to Mr. Bates. In an effort to open the lines of communication between DEPCOM, DESRI and the Council, I offer this response.

First, on January 17, 2017, Will Porter and Chance Combs with DEPCOM did meet with Mr. Bates at the project site and gave him, as well as Allen Rainville and Gary Houle, the two property owners, a tour of the project area. To address Mr. Bates’ concern over possible

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encroachments onto his property, DEPCOM had its surveyor stake out Mr. Bates' property line. During the site visit, Mr. Combs showed Mr. Bates the stakes and confirmed for him that no tree cutting or property clearing had occurred on his property. Mr. Combs also confirmed that construction vehicles are not using Mr. Bates' property to access the project site. Finally, Mr. Combs explained to Mr. Bates that the project plans approved by the Council and the Storm Water Management Plan approved by the Department of Energy and Environmental Protection ("DEEP") include adequate measures to protect against any impacts on his property including "flooding in his basement". It is unclear at this point whether Mr. Bates currently experiences flooding on his property or in his basement. Since the January 17, 2017 site visit, Mr. Combs has met with Mr. Bates on several occasions to discuss his concerns. That said, my client is committed to maintaining open lines of communication with Mr. Bates and will do its best to address his concerns throughout the remainder of the construction period.

Second, my client understands that the Siting Council has exclusive jurisdiction over the Fusion Solar Center project. The only other "authorities having jurisdiction" was a reference to the Town of Sprague and its authority to issue building and/or electrical permits for discrete portions of the project.

Third, DEPCOM and DESRI would welcome the opportunity to meet with you and your staff at the project site in the near future to inspect the work that has been complete to date and discuss any issues or concerns you might have. I also think it would be beneficial to have Mr. Bates attend that site visit so that we can address any additional concerns and respond to him directly.

Finally, my client is confident that, with one exception, the construction of the Fusion Solar Center project, thus far, is in full compliance with the Council's declaratory ruling and D&M Plan approvals. That one exception relates to the requirement that the petitioner notify the Council in advance of any site clearing or construction activity. That notice was not provided in the time frame required by R.C.S.A. 16-50j-62(b). Site clearing activity commenced at the property on or about December 5, 2016.

In an effort to avoid any further missteps and to demonstrate to you and to the Council my client's commitment to completing this project in a compliant and responsible manner, DEPCOM has developed an Action Plan, designed to keep the Council and Mr. Bates, if he so desires, fully informed of all site development activities going forward. To assist with these efforts, DEPCOM has also retained Dean Gustafson with All-Points Technology Corporation ("APT") to act as its Environmental Monitor throughout the construction period to satisfy conditions of the Council's D&M Plan approval. Specifically, Mr. Gustafson is responsible for

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the implementation of the Wood Turtle and Wetland Protection Program, Bobolink Protection Program, General Breeding Bird Protection Measures and Wildlife Habitat Enhancement Measures due to occurrence of known rare species and other wildlife at the project site and proximity to sensitive wetland habitats. Mr. Gustafson has already been on-site to inspect the installation soil erosion and sedimentation control measures and has established his baseline for all future environmental monitoring efforts. He will prepare regular status/inspection reports to ensure that construction activity continues in compliance with the wetland and wildlife protection measures referenced in the Council's approval. Copies of Mr. Gustafson's reports will be provided to the Council.

DEPCOM has prepared a description of on-going construction activity that commenced on or about December 5, 2016 and will continue through mid-March of this year. Changes or updates to this schedule will be provided to the Council as necessary so that you are aware, at all times, where project construction activity stands.

Task Name	Duration	Start	Finish
Tree Clearing	85 days	Mon 12/5/16	Tue 2/28/17
Grubbing and Grinding of Tree Stumps	74 days	Mon 1/16/17	Fri 3/31/17
Install Perimeter Silt Fence	23 days	Wed 1/18/17	Fri 2/10/17
Install Temporary Retention Basins	39 days	Mon 1/30/17	Fri 3/10/17
Install Interior Silt Fence	14 days	Tue 2/21/17	Tue 3/7/17
Install Temporary Diversion Ditches	28 days	Mon 2/13/17	Mon 3/13/17

Going forward, DEPCOM and APT will provide the Council with regular updates on the status of construction. Copies of those status updates will also be sent to Mr. Bates. DEPCOM has designated Mr. Chance Combs as its principle point of contact at the project site. Mr. Combs can be reached on his mobile phone at (817) 219-7984, 24/7, will be available to coordinate site inspections and visits as necessary, and will act as the projects liaison to the Town of Sprague and any neighborhood concerned regarding project construction activity. You should also feel free to reach out to me anytime to assist with future efforts to ensure compliance with the Council's approvals.

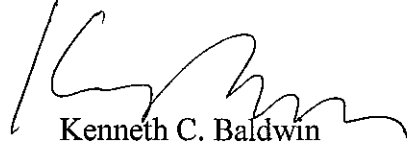
This letter sets forth our initial proposed action plan for the next four weeks for the construction of the Fusion Solar facility. If, after reviewing this information you have any other suggestions on how we can make this plan better, please let me know.

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We look forward to working with you. Thank you very much for your assistance and anticipated cooperation.

Sincerely,



Kenneth C. Baldwin

KCB/kmd

Copy to:

Michael Perrone, Siting Analyst  
Timothy Bates  
Hector Montez  
Chance Combs  
Sam Machler  
Will Porter  
Dean Gustafson